

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION**

Case No. 1:13-md-02419-RWZ

This document relates to all cases.

**RESPONSE AND OPPOSITION BY ROANOKE-AREA
LICHENSTEINFISHWICK AND BROWN & JENNINGS PLAINTIFFS
TO THE REQUEST BY INSIGHT HEALTH CORPORATION [ECF NO. 1193] FOR A
SUPPLEMENTAL ORDER TRANSFERRING ADDITIONAL PERSONAL INJURY
TORT AND WRONGFUL DEATH CASES TO THIS COURT**

The below-named Roanoke-Area LichtensteinFishwick and Brown & Jennings Plaintiffs (“these Plaintiffs”), by counsel, appear specially to note their opposition to the “request” [ECF No. 1193] by Insight Health Corporation (“IHC”) that this Court enter IHC’s proposed order transferring to this Court certain cases (“Virginia Removed Cases”) originally filed in the Circuit Court for the City of Roanoke, Virginia (“State Court”) on March 13, 2014, and removed from the State Court by Ameridose, LLC, a third-party defendant sued in those cases by IHC.¹ These Plaintiffs oppose entry of the proposed order, for the reasons articulated and/or adopted in their earlier filings [ECF Nos. 129, 159, 792, 1056 and 1164] opposing the existence and exercise by this Court of “related to” jurisdiction. Additionally, the proposed order includes an injunction – “...ORDERED that *plaintiffs*, defendants *and their counsel* shall promptly take any and all actions necessary to effectuate the transfer of the Virginia Federal Court Cases pursuant to this Order . . .” (italics added). The contours of such injunction are not defined. Further, the proposed order does not identify any irreparable harm that will follow if these Plaintiffs are not

¹ Previously, *see* ECF Nos. 129, 159, 792, 1056 and 1164, identifying themselves as “intervenors” in these proceedings, these injured Virginia patients are now plaintiffs in cases that are the subject of the instant “request” by IHC. As in their referenced earlier submissions, this submission is without waiver of these Plaintiffs’ rights and without consent to the jurisdiction of this Court, generally or specifically, over the subject suits filed by these Plaintiffs.

so enjoined, does not otherwise state why these Plaintiffs must be so enjoined, does not identify in reasonable detail the act or acts restrained or required, and thus does not meet the requirements of Fed. R. Civ. P. 65(d) for orders granting injunctions.

For the reasons set forth above, these Plaintiffs respectfully request that the Court deny IHC's request [ECF No. 1193] and decline to enter IHC's proposed Order.

[remainder of this page intentionally left blank]

Respectfully submitted,

**ROANOKE-AREA LICHTENSTEINFISHWICK
PLAINTIFFS:**

**Gladys G. Austin
Richard Blankenship
Cheryl Brogan
Kimberly Chitwood
Christopher Compton
Shirley Doyle
Renate Fariss
Nancy Goodfellow
Norma Hurley
Mabel Hutcherson
Arnold Moon
Rosanne Moon
Sharon Overstreet
Mary Radford
Audrey Ransome
Nosworthy Reid**

**Larry Hall
Frank Haranzo, Jr.
Susanne Hastings
Jacob Helm
Stuart Katz
Melissa Marshall
John Marsinko
Jane McKeon
William L. Neal, Administrator
Angela Norman
Larry Rice
Deanna Smith
Stevie Thomas
Brenda Varley
Christine Wheeler**

By: /s/ Gregory L. Lyons
Of Counsel

John E. Lichtenstein (VSB #27048)

E-mail: jel@vatrials.com

John P. Fishwick, Jr. (VSB #23285)

E-mail: jpf@vatrials.com

Gregory L. Lyons (VSB #24037)

E-mail: gll@vatrials.com

Monica L. Mroz (VSB #65766)

E-mail: Monica@vatrials.com

Joanna M. Meyer (VSB #86427)

E-mail: jmm@vatrials.com

LICHTENSTEINFISHWICK PLC

101 South Jefferson St., Suite 400

Roanoke, VA 24011

Ph: (540) 343-9711

Fax: (540) 343-9713

Counsel for Roanoke-Area LichtensteinFishwick Plaintiffs

BROWN & JENNINGS PLAINTIFFS:

Nora Bell
Alma Eden
Thomas Goodwin
Jimmy Green
Patricia Jennings
Susan Kincanon
Ashlee Lakin
Virginia Milne
Lori Morris

Deborah Rogers
David Rose
Joseph Smith
Vicki Uthus
Regina Waddell
Doris West
Judith Williams

By: /s/ Gregory L. Lyons for P. Brent Brown
Of Counsel

P. Brent Brown (VSB # 18760)
E-mail: brent@brownjenningslaw.com
William A. Jennings (VSB # 24176)
E-mail: andy@brownjenningslaw.com
BROWN & JENNINGS, PLC
30 Franklin Road, Suite 700
Roanoke, Virginia 24011
Telephone: (540) 444-4010
Fax: (540) 444-4011

Counsel for Brown & Jennings Plaintiffs

CERTIFICATE OF SERVICE

I, Gregory L. Lyons, hereby certify that I filed this document through the CM/ECF system, thereby providing electronic notice of such filing to the registered participants as identified in the Notice of Electronic Filing (NEF) and that paper copies will be provided to those indicated in the NEF as non-registered participants.

/s/ Gregory L. Lyons
Counsel for Roanoke-Area
LichtensteinFishwick Plaintiffs
Dated: June 19, 2014